

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHERMAN BELL,

Plaintiff,

CIVIL CASE NO. 07-13195

v.

WAYNE COUNTY CLERK,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendant.

_____ /

ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION

Now before the Court is Plaintiff's Motion for Voluntary Dismissal [docket entry #10] as to Plaintiff's civil rights cause of action filed pursuant to 42 U.S.C. § 1983, and the April 16, 2008 Report and Recommendation of Magistrate Judge Mona K. Majzoub. Magistrate Judge Majzoub recommends that Plaintiff's motion should be granted, that the Court's previous order granting Plaintiff *in forma pauperis* status should be vacated, and the Clerk of the Court should be directed to return any monies received pursuant to that Order to Plaintiff.

The Magistrate Judge also notified the parties that any objections to the Report and Recommendation must be filed within ten days of service. No party has filed any objections.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions,

under a de novo or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Majzoub’s April 16, 2008 Report and Recommendation, *see* 28 U.S.C. § 636(B)(1)(c), this Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation of Magistrate Judge Mona K. Majzoub [docket entry #12] is **ACCEPTED** and **ADOPTED** as the opinion and order of this Court.

IT IS FURTHER ORDERED that Plaintiff’s motion for voluntary dismissal [docket entry#10] is **GRANTED**; this cause of action is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that this Court’s previous order granting Plaintiff’s application to proceed *in forma pauperis* [docket entry #3], is **VACATED**; no further monies shall be collected from Plaintiff’s prison trust account with respect to this cause of action.

IT IS FURTHER ORDERED that the Clerk shall return any monies received from Plaintiff pursuant to this Court’s previous order grating IFP status and directing the collection of funds.

SO ORDERED.

Dated: May 12, 2008

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on May 12, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

_____, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Sherman Bell.

s/Ruth A. Brissaud

Ruth A. Brissaud, Case Manager

(810) 341-7845